

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DEVELIN DION RAY LAY,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-24-417-F
)	
STEPHENS COUNTY, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff Develin Dion Ray Lay, a state prisoner appearing *pro se*, commenced this action seeking relief pursuant to 42 U.S.C. § 1983. The action was referred to United States Magistrate Judge Amanda Maxfield Green for preliminary review in accordance with 28 U.S.C. § 636. After granting plaintiff leave to proceed *in forma pauperis*, Magistrate Judge Green conducted a review of plaintiff's complaint pursuant to 28 U.S.C. §§ 1915A(a) and 1915(e)(2). Magistrate Judge Green issued a Report and Recommendation (doc. no. 14), recommending plaintiff's complaint be dismissed. Specifically, she recommended the claims against defendant Ken Graham, Stephens County District Court Judge, defendant Jerry Herberger, Stephens County District Court Special Judge, and defendant Stephens County be dismissed with prejudice and the claims against defendant Javier Martinez, Stephens County Jail Administrator, be dismissed without prejudice, all pursuant to 28 U.S.C. §§ 1915A(b)(1) and 1915(e)(2)(B)(ii). In the Report and Recommendation, Magistrate Judge Green also ordered plaintiff's letters (doc. nos. 11, 12, and 13) stricken from the record.

Magistrate Judge Green advised plaintiff of his right to file an objection to the Report and Recommendation on or before September 25, 2024, and specifically

advised him that failure to file a timely objection to the Report and Recommendation waives his right to appellate review of both factual and legal issues therein contained.

To date, plaintiff has not filed an objection to the Report and Recommendation and has not filed a motion seeking an extension of time to file an objection. With no objection being filed within the time specified by Magistrate Judge Green, the court accepts, adopts, and affirms the Report and Recommendation in its entirety.

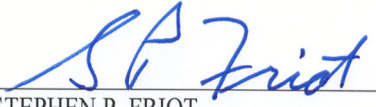
Accordingly, the Report and Recommendation (doc. no. 14) of United States Magistrate Judge Amanda Maxfield Green is **ACCEPTED, ADOPTED, and AFFIRMED**.

The court clerk is **DIRECTED** to show in her records plaintiff's letters (doc. nos. 11, 12, and 13) are stricken from the record in accordance with Magistrate Judge Green's ruling in the Report and Recommendation and this court's order accepting, adopting, and affirming the Report and Recommendation.

Pursuant to 28 U.S.C. §§ 1915A(b)(1) and 1915(e)(2)(B)(ii), the complaint of plaintiff Develin Dion Ray Lay is **DISMISSED WITH PREJUDICE** with respect to the claims against defendant Ken Graham, Stephens County District Court Judge, defendant Jerry Herberger, Stephens County District Court Special Judge, and defendant Stephens County, and is **DISMISSED WITHOUT PREJUDICE** with respect to the claims against defendant Javier Martinez, Stephens County Jail Administrator.

A judgment will be entered separately.

DATED this 9th day of October, 2024.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE